



Rulings Panel Procedures

Issued on 13 October 2026

RULINGS PANEL PROCEDURES

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1. General

1.1 Title and commencement

- 1.1.1 These Procedures are the Rulings Panel Procedures 2026. They come into effect on 13 October 2026 and replace earlier versions.

1.2 Application

- 1.2.1 The Procedures provide for matters not covered by the Act, Regulations or Code, and are to be read in conjunction with the Act, Regulations and Code. They replace earlier versions.

1.3 Interpretation

- 1.3.1 In these Procedures, unless the context otherwise requires:

Act means the Electricity Industry Act 2010;

Authority means the Electricity Authority established under section 12 of the Act;

Code means the Electricity Industry Participation Code 2010;

Chair or Chairperson means the Panel member who will chair and preside over a Proceeding;

Panel means the Electricity Rulings Panel;

Procedures means the Rulings Panel Procedures;

Proceeding means any complaint, dispute, appeal or other matter referred to the under the Act, Regulations, or Code; and,

Regulations means the Electricity Industry (Enforcement) Regulations 2010.

- 1.3.2 A term that is defined in the Act, Regulations or Code that is used in these Procedures has the same meaning as it has in the Act, Regulations or Code.

1.4 Conflicts

- 1.4.1 If there is a conflict between these Procedures and the Act, the Regulations, or the Code, the Act, then the Regulations, and then the Code prevail.
- 1.4.2 The Panel may vary or depart from these Procedures if it would be in the best interests of natural justice or if it would achieve the purposes of the Act, Regulations or Code.

1.5 Application and compliance

- 1.5.1 If, in any Proceeding, any question arises as to the application of these Procedures, the appointed Panel may, either on the application of a party or on its own initiative, determine the questions and give any directions it thinks just.
- 1.5.2 A failure to comply with the requirements of these Procedures does not nullify any Proceeding, or any step taken in a Proceeding, or any document, judgment,

or order, and the appointed Panel may, on the ground that there has been a failure, and on any terms as to costs or otherwise that it thinks just, exercise its powers to allow any amendments to be made and to make any order dealing with the Proceeding generally as it thinks just.

2. Panel Chair powers

2.1 General

- 2.1.1 The Chair or his or her delegate may perform any procedural function and issue any directions prior to and during a hearing.

3. Commencement of Proceedings and filing documents

3.1 Filing Generally

- 3.1.1 Any document referred to the Panel to commence a Proceeding may be filed by sending it by electronic form to: registrar@electricityrulingspanel.nz
- 3.1.2 A document is filed when it is received by the Panel's electronic communications system (Microsoft Outlook), except that if it is on a day that is not a working day, or after 5 pm on a working day, it must be treated as served on the first subsequent working day.

3.2 Parties

- 3.2.1 A party to a Proceeding can only be the Authority, an industry participant or a specified person as those terms are defined in the Act and Regulations.
- 3.2.2 The Panel may direct that the Authority, an industry participant, or a specified person be joined to any Proceeding.
- 3.2.3 The Authority, an industry participant or a specified person may seek the Panel's leave to join a Proceeding. If an application is made, the parties to the Proceeding will have an opportunity to be heard before a decision is made.

3.3 Service of documents filed

- 3.3.1 Any document filed is to be served on all other parties to the Proceeding as soon as practicable after they are filed, or when directions as to service are sought, as soon as practicable after the directions have been given.
- 3.3.2 A document may be served on any other party to a Proceeding by:
- (a) post, electronic communication, or personal service at an address maintained by that party on any Authority registry or database;
 - (b) if the party is a company incorporated under the Companies Act 1993 in accordance with section 387 of that Act;
 - (c) service on any solicitor acting for the party; or,
 - (d) by any other method or place that the Panel directs.

- 3.3.3 Service of a true copy is to be treated as service of a document.
- 3.3.4 A document is treated as having been served:
- (a) if posted, on the earlier of the fifth working day after the day on which it was posted or the day on which it was received; and,
 - (b) if sent electronically, at the time the electronic communication enters the receiving party's information system, except that if it is on a day that is not a working day, or after 5 pm on a working day, it must be treated as served on the first subsequent working day.
- 3.3.5 If reasonable efforts have been made to serve a document by a method permitted or required under these Procedures, and either the document has not come to the knowledge of the party to be served or it cannot be promptly served, the Panel may direct that instead of service, specified steps be taken that are likely to bring the document to the notice of the person to be served.

4. Directions as to the conduct of Proceedings

- 4.1.1 In any Proceeding filed, the Panel may:
- (a) fix the time by which a step in a Proceeding must be taken;
 - (b) direct the steps that must be taken to prepare a Proceeding for a hearing;
 - (c) direct how the hearing is to be conducted; and,
 - (d) make any other direction or order that the Panel may make under the Act, Regulations, Code or these Procedures.

5. Applications for interim relief

- 5.1.1 The Panel may grant relief on an interim relief application in relation to any Proceeding if the case is urgent and the interests of justice so require.
- 5.1.2 Any application must be supported by an affidavit filed at the same time as the application.
- 5.1.3 If the applicant wants the application to be determined without any other party having been served with the application, then the applicant must establish that 1 or more of the following grounds apply:
- (a) that requiring the applicant to proceed on notice would cause undue delay or prejudice to the applicant, any other industry participant or specified person, or would unduly impact common quality, grid security or the integrity of the electricity market; or,
 - (b) that the interests of justice require the application to be determined without serving notice of the application; and
 - (c) the applicant must take all reasonable steps to ensure that the application and supporting documents contain all material that is relevant to the

application, including any defence that might be relied on by any other party and any facts that would support the position of any other party.

- 5.1.4 A party that intends to oppose an application must file and serve on every other party a notice of opposition to the application within 5 working days together with a supporting affidavit.
- 5.1.5 The Panel will issue directions regarding any steps the parties are to take after an application has been made and will allocate a hearing date for the application.
- 5.1.6 An application will be determined on the papers unless the Panel directs otherwise.

6. Evidence

6.1 General

- 6.1.1 When applying this subpart to a Proceeding, a party is expected to pursue the just, speedy, and inexpensive determination of that Proceeding.
- 6.1.2 The parties must also ensure that the briefs and the common bundle are commensurate with the goal of keeping the cost of the Proceeding proportionate to the subject matter of the Proceeding.

6.2 Filing evidence

- 6.2.1 The Panel will issue directions regarding the filing of evidence for a hearing.
- 6.2.2 The parties are expected, where possible, to reach an agreement on any facts that are not in dispute and to file an agreed statement of facts.
- 6.2.3 Evidence may be filed in the form of an affidavit. The Panel may give notice that it will examine any witness who files an affidavit.

6.3 Experts

- 6.3.1 A party to a Proceeding who engages an expert witness must give the expert witness a copy of the code of conduct set out in Schedule 4 of the High Court Rules.
- 6.3.2 An expert witness must state that the expert witness has read the code of conduct and agrees to comply with it and comply with the code of conduct in preparing any written statement of the proposed evidence of the expert witness or in giving any oral or affidavit evidence in any Proceeding.
- 6.3.3 The Panel expects that experts appointed by any party to a Proceeding will confer with any other experts appointed to try to reach an agreement on matters in issue in any Proceeding and to prepare and sign a joint witness statement stating the matters on which the expert witnesses agree and the matters on which they do not agree, including the reasons for their disagreement.

6.3.4 The Panel may, on its own initiative or on the application of a party to a Proceeding, direct expert witnesses to confer and to try to reach an agreement in accordance with 6.3.3.

6.3.5 The Panel may appoint its own experts to assist it in determining any Proceeding.

6.4 Panel not bound by the rules of evidence

6.4.1 Regulation 39 provides for relaxed rules of evidence. Notwithstanding, unless there is a good reason not to, the Rulings Panel will follow the rules of evidence in the Evidence Act 2006.

7. Hearings

7.1 General

7.1.1 If the Act, Regulations or Code requires that a hearing in relation to a Proceeding must be held, then the Panel will set a date, time and location and will issue a notice of hearing.

7.1.2 The Panel may, with the consent of the parties, conduct a hearing by audio or visual link.

7.1.3 The Panel may record any part of a hearing to make an accurate record of evidence and submissions received.

7.2 Hearings in public

7.2.1 Hearings will be held in public unless the Panel directs otherwise.

7.2.2 If a party disagrees with a Panel direction that a hearing is to be held in private, then they may make a submission in accordance with the Regulations.

7.3 Rights at a hearing

7.3.1 At a hearing, every party is entitled to:

- (a) be present;
- (b) be represented;
- (c) to make written and oral representations and pleas;
- (d) to call witnesses and to cross-examine any witness called against it; and,
- (e) to have any other person present to give evidence in accordance with regulation 37(e) of the Regulations.

7.4 Adjournments

7.4.1 The Panel may, before or at a hearing, if it is in the interests of justice, postpone or adjourn the hearing for any time, to any place, and upon any terms it thinks just.

8. Decisions

8.1 On the papers' decisions

- 8.1.1 If a Proceeding is not set down for a hearing, the Panel will consider and decide the matter on the basis of the written submissions and evidence that it has received.

8.2 Draft decisions

- 8.2.1 The Panel may, if it thinks fit, prepare a draft decision, determination, order, penalty, or award, and may circulate the same to such persons in the Proceeding as it thinks fit.
- 8.2.2 Any person to whom a copy of any such draft is given may comment in writing on the draft within the period specified by the Panel.

8.3 Recall of decisions

- 8.3.1 The Panel may recall a decision at any time before it is implemented.

8.4 Correction of accidental slip or omission in decisions

- 8.4.1 The Panel may correct a decision or order if it contains a mistake or an error arising from an accidental slip or omission, or it is drawn up so that it does not express what was decided and intended.

9. Discontinuance of Proceedings

- 9.1.1 At any time before a decision is made, a party bringing a Proceeding may discontinue that Proceeding by notice to the Panel and to any other party to the Proceeding.
- 9.1.2 A party that discontinues a Proceeding may be ordered to pay costs, which may include the Panel's costs, to any other party to the Proceeding.

Dated this 28th day of September 2026



M.J. Orange
Rulings Panel Chair